

**UNITED STATES BANKRUPTCY COURT**  
**FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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IN RE: Robin Lynn Busby

Debtor(s)

CHAPTER 13

vs.

HSBC Bank USA, National Association, as Trustee  
for Wells Fargo Mortgage Backed Securities 2007-7  
Trust

NO. 20-10520 AMC

Respondent

**RESPONSE OF HSBC BANK USA, NATIONAL ASSOCIATION, AS TRUSTEE FOR**  
**WELLS FARGO MORTGAGE BACKED SECURITIES 2007-7 TRUST**  
**TO DEBTORS' OBJECTION TO PROOF OF CLAIM**

Respondent, HSBC Bank USA, National Association, as Trustee for Wells Fargo Mortgage Backed Securities 2007-7 Trust, by and through its counsel, KML Law Group, P.C., hereby opposes Debtors' Objection to Proof of Claim and assigns the following reasons therefore:

1. Denied. Respondent has a judgment in mortgage foreclosure against Debtor. A copy of the judgment is attached hereto as Exhibit A.
2. Denied. The judgment as entered against Debtor is for the amount of \$618,399.94 plus interest at the rate of 5.5% from May 14, 2018 to the date of judgment, April 29, 2019. See Exhibit A hereto. Further, bankruptcy courts are able to apply Pennsylvania state reassessment law to determine the total allowed claim using the state court judgment as a starting point. In re Cohen-Harvin, 571 B.R. 672, 677-78 (Bankr. E.D. Pa. 2017).
3. Denied. Debtor's Plan is a document which speaks for itself.
4. Denied. The Proof of Claim is a document which speaks for itself.
5. Denied. The Transfer of Claim is a document which speaks for itself.
6. Additionally, Respondent's Proof of Claim is self-sustaining and constitutes prima facie

evidence of the amounts actually due.

7. The Claim, as filed, is entitled to a presumption of allowability. See 11 U.S.C. Section 502(a); Fed. R. Bankr. P. 3001(f); See, e.g., In re Pagnotti, 269 B.R. 326 (Bankr. M.D. Pa. 2001).
8. By filing the Objection, the Debtors incur the burden of overcoming the presumption of allowability and establishing the bases that the Claim is invalid. In re Allegheny Int'l, Inc. 954 F.2d 167, 173-4 (3d Cir. 1992). The mere filing of the Objection does not satisfy the Debtors' burden; rather, the Debtor must offer evidence to overcome the presumption of validity of the Claim. In re Pagnotti, 269 B.R. 326.
9. The Debtors have not filed any documentation to dispute the amount of the Claim. As such, the Debtors' objection must be overruled.
10. The amounts due alleged in the Proof of Claim are reasonable, actually incurred and in accordance with applicable law.
11. Debtors have failed to overcome the prima facie evidence of the validity of Respondent's Proof of Claim.

WHEREFORE, Respondent prays that Debtors' Objection to Proof of Claim be overruled.

Respectfully submitted,

Date: December 23, 2020

**/s/ Rebecca A. Solarz, Esq.**  
Rebecca A. Solarz, Esq.  
KML Law Group, P.C.  
BNY Mellon Independence Center  
701 Market Street, Suite 5000  
Philadelphia, PA 19106

HSBC BANK USA NATIONAL ASSOCIATION AS  
TRUSTEE FOR WELLS FARGO ASSET SECURITIES  
CORPORATION ET AL

vs.

ROBIN L BUSBY

NO. 2016-24962

NOTICE IS GIVEN THAT THE ATTACHED DOCUMENT IN THE ABOVE  
CAPTIONED MATTER HAS BEEN ENTERED.

  
PROTHONOTARY

IF YOU HAVE ANY QUESTIONS CONCERNING THE ABOVE, PLEASE CONTACT:

ORIGINAL SIGNATURE RETAINED BY THE FILING PARTY

Signature

MERIDITH H WOOTERS, ESQ.

Filing Party

307207

ID Number

MANLEY DEAS KOCHALSKI LLC

Firm Name

PO BOX 165028

Address

COLUMBUS, OH 43216

(614) 220-5611

Phone

**IN THE COURT OF COMMON PLEAS  
MONTGOMERY COUNTY, PENNSYLVANIA**

<p><b>FILED ON BEHALF OF:</b></p> <p>HSBC Bank USA, National Association as Trustee for Wells Fargo Asset Securities Corporation, Mortgage Pass-Through Certificates, Series 2007-7, Plaintiff</p> <p><b>COUNSEL OF RECORD FOR THIS PARTY:</b></p> <p>MANLEY DEAS KOCHALSKI LLC Meredith H. Wooters, Esquire (Pa. I.D. #307207) Scott A. Dietterick, Esquire (55650) Kimberly J. Hong, Esquire (74950) Michael E. Carleton, Esquire (203009) Justin F. Kobeski, Esquire (200392) Matthew P. Curry, Esquire (322229) Cristina L. Connor, Esquire (318389) Holly N. Wolf, Esquire (322153) Karina Velter, Esquire (94781)</p> <p>P. O. Box 165028 Columbus, OH 43216-5028 614-220-5611 Atty File No. 18-011286</p> <p>Mortgaged Premises: 1100 Hillcrest Road, Penn Valley, PA 19072</p>	<p><b>CIVIL DIVISION</b></p> <p>No.: 2016-24962</p> <p><b>ISSUE NUMBER:</b></p> <p><b>TYPE OF PLEADING:</b></p> <p><b>PRAECIPE FOR JUDGMENT PURSUANT TO ORDER OF COURT (Mortgage Foreclosure)</b></p> <p><b>FILED ON BEHALF OF:</b></p> <p>HSBC Bank USA, National Association as Trustee for Wells Fargo Asset Securities Corporation, Mortgage Pass-Through Certificates, Series 2007-7, Plaintiff</p> <p><b>COUNSEL OF RECORD FOR THIS PARTY:</b></p> <p>MANLEY DEAS KOCHALSKI LLC Meredith H. Wooters, Esquire (Pa. I.D. #307207) Scott A. Dietterick, Esquire (55650) Kimberly J. Hong, Esquire (74950) Michael E. Carleton, Esquire (203009) Justin F. Kobeski, Esquire (200392) Matthew P. Curry, Esquire (322229) Cristina L. Connor, Esquire (318389) Holly N. Wolf, Esquire (322153) Karina Velter, Esquire (94781)</p> <p>P. O. Box 165028 Columbus, OH 43216-5028 614-220-5611 Atty File No. 18-011286</p>
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**IN THE COURT OF COMMON PLEAS  
MONTGOMERY COUNTY, PENNSYLVANIA**

HSBC Bank USA, National Association as  
Trustee for Wells Fargo Asset Securities  
Corporation, Mortgage Pass-Through  
Certificates, Series 2007-7

Plaintiff,

vs.

Robin L Busby; Robert G Busby

Defendants.

CIVIL DIVISION

Docket No.: 2016-24962

**PRAECIPE FOR JUDGMENT PURSUANT TO ORDER OF COURT**

TO: PROTHONOTARY  
SIR/MADAM:

Please enter a judgment in mortgage foreclosure in the above-captioned case pursuant to the attached Order of Court, April 29, 2019 in favor of Plaintiff and against Robin L Busby, in the amount of \$618,399.94 plus interest at the rate of 5.5% from May 14, 2018 to the date of judgment and then at the statutory rate of 6% per annum from the date of judgment and for foreclosure and sale of the mortgaged premises.

I hereby certify that the defendant's last known  
address is:

1100 Hillcrest Road  
Penn Valley, PA 19072

Pursuant to Pa.R.C.P. 237 (notice of praecipe for final judgment or decree), I certify that a copy of this praecipe has been mailed to each other party who has appeared in the action or to his/her attorney of record at their last known address.

/s/ Meredith H. Wooters

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Meredith H. Wooters, Esquire (307207)  
Scott A. Dietterick, Esquire (55650)  
Kimberly J. Hong, Esquire (74950)  
Michael E. Carleton, Esquire (203009)  
Justin F. Kobeski, Esquire (200392)  
Matthew P. Curry, Esquire (322229)  
Cristina L. Connor, Esquire (318389)  
Holly N. Wolf, Esquire (322153)  
Karina Velter, Esquire (94781)  
Manley Deas Kochalski LLC  
P. O. Box 165028  
Columbus, OH 43216-5028  
Telephone: 614-222-4921  
Fax: 614-220-5613  
Email: mhwooters@manleydeas.com  
Attorney for Plaintiff

**CERTIFICATION**

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

/s/ Meredith H. Wooters

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Email: mhwooters@manleydeas.com  
Attorney for Plaintiff

**IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA  
CIVIL ACTION – LAW**

**HSBC BANK USA, N/A. as  
Trustee for Wells Fargo Asset Securities  
Corporation, Mortgage Pass-Through  
Certificates, Series 2007-7**

**Plaintiff**

**v.**

**ROBIN L. BUSBY and ROBERT G. BUSBY**

**Defendants**

**NO: 2016-24962**

**ORDER**

AND NOW, this **29** day of *April*, 2019, upon consideration of Plaintiff, HSBC Bank, USA, as Trustee for Wells Fargo Asset Securities Corporation, Mortgage Pass-Through Certificates, Series 2007-7's Motion for Summary Judgment, is hereby **ORDERED** that this Motion is **GRANTED**, in rem only.<sup>1</sup> Judgement is entered in favor of Plaintiff, HSBC Bank, USA, as Trustee for Wells Fargo Asset Securities Corporation, Mortgage Pass-Through Certificates, Series 2007-7 and against Defendants, Robin L. Busby in the amount of \$618,399/94, plus interest at the rate of 5.5% from May 14, 2018 to the date of judgment, plus any applicable interest and fees to be determined thereafter.<sup>2</sup>

**BY THE COURT:**

  
**EMANUEL A. BERTIN, S.J.**

<sup>1</sup> Defendant, Robin Busby, failed to respond to the Motion for Summary Judgement.

<sup>2</sup> Plaintiff only sought judgment against Defendant, Robin Busby.

Case# 2016-24962-33 Docketed at Montgomery County Prothonotary on 04/29/2019 2:29 PM/Fee = \$0.007 The filer certifies that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information differently than non-confidential information and documents.



**UNITED STATES BANKRUPTCY COURT**  
**FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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**IN RE:** Robin Lynn Busby

Debtor(s)

vs.

HSBC Bank USA, National Association, as Trustee  
for Wells Fargo Mortgage Backed Securities 2007-  
7 Trust

Respondent

CHAPTER 13

NO. 20-10520 AMC

**ORDER**

Upon consideration of Debtors' Objection to the Proof of Claim filed by HSBC Bank USA, National Association, as Trustee for Wells Fargo Mortgage Backed Securities 2007-7 Trust, and HSBC Bank USA, National Association, as Trustee for Wells Fargo Mortgage Backed Securities 2007-7 Trust's Response there to, it is **Ordered** and **Decreed** that Debtors' Objection is **overruled**.

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Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT**  
**FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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**IN RE:** Robin Lynn Busby

Debtor(s)

CHAPTER 13

vs.

HSBC Bank USA, National Association, as Trustee  
for Wells Fargo Mortgage Backed Securities 2007-  
7 Trust

NO. 20-10520 AMC

Respondent

**CERTIFICATION OF SERVICE**

I, Rebecca A. Solarz, Esquire, hereby certify that the foregoing Response to Debtors' Objection to Proof of Claim was served via electronic service upon the parties listed below on **December 24, 2020.**

William C. Miller Esq.  
P.O. Box 1229  
Philadelphia, PA 19105

Paul A.R Stewart  
Legal Helm, 333 East Lancaster Avenue  
Suite 140  
Wynnewood, PA 19096

Date: December 24, 2020

**/s/ Rebecca A. Solarz, Esq.**  
Rebecca A. Solarz, Esq.  
KML Law Group, P.C.  
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701 Market Street, Suite 5000  
Philadelphia, PA 19106